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09400HB2389ham001

LRB094 09365 LCB 42176 a

1 AMENDMENT TO HOUSE BILL 2389

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2389 by replacing  
3 after the enacting clause with the following:

4 "Section 5. The Crime Victims Compensation Act is amended  
5 by changing Section 6.1 as follows:

6 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

7 Sec. 6.1. Right to compensation. A person is entitled to  
8 compensation under this Act if:

9 (a) Within 2 years of the occurrence of the crime upon  
10 which the claim is based, he files an application, under oath,  
11 with the Court of Claims and on a form prescribed in accordance  
12 with Section 7.1 furnished by the Attorney General. If the  
13 person entitled to compensation is under 18 years of age or  
14 under other legal disability at the time of the occurrence or  
15 becomes legally disabled as a result of the occurrence, he may  
16 file the application required by this subsection within 2 years  
17 after he attains the age of 18 years or the disability is  
18 removed, as the case may be. Legal disability includes a  
19 diagnosis of posttraumatic stress disorder.

20 (b) For all crimes of violence, except those listed in  
21 subsection (b-1) of this Section, the ~~The~~ appropriate law  
22 enforcement officials were notified within 72 hours of the  
23 perpetration of the crime allegedly causing the death or injury  
24 to the victim or, in the event such notification was made more

1 than 72 hours after the perpetration of the crime, the  
2 applicant establishes that such notice was timely under the  
3 circumstances.

4 (b-1) For victims of offenses defined in Sections 12-13,  
5 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961,  
6 the appropriate law enforcement officials were notified within  
7 7 days of the perpetration of the crime allegedly causing death  
8 or injury to the victim or, in the event that the notification  
9 was made more than 7 days after the perpetration of the crime,  
10 the applicant establishes that the notice was timely under the  
11 circumstances.

12 (b-2) If the applicant has obtained an order of protection  
13 or a civil no contact order or has presented himself or herself  
14 to a hospital for sexual assault evidence collection and  
15 medical care, such action shall constitute appropriate  
16 notification under subsection (b) or (b-1) of this Section.

17 (c) The applicant has cooperated ~~fully~~ with law enforcement  
18 officials in the apprehension and prosecution of the assailant.

19 (c-1) If the applicant has obtained an order of protection  
20 or a civil no contact order or has presented himself or herself  
21 to a hospital for sexual assault evidence collection and  
22 medical care, such action shall constitute cooperation under  
23 subsection (b-1) of this Section.

24 (d) The applicant is not the offender or an accomplice of  
25 the offender and the award would not unjustly benefit the  
26 offender or his accomplice.

27 (e) The injury to or death of the victim was not  
28 substantially attributable to his own wrongful act and was not  
29 substantially provoked by the victim.

30 (Source: P.A. 92-286, eff. 1-1-02.)".